

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

RYAN LAW FIRM, LLC,

Plaintiff,

v.

NEW YORK MARINE AND GENERAL  
INSURANCE COMPANY,

Defendant.

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1:19-CV-629-RP

**ORDER**

Before the Court is the parties' Joint Motion to Modify Scheduling Order. (Dkt. 26). The parties propose that "any witness providing testimony in support of attorneys' fees and related expenses under Fed. R. Civ. P. 54(d) should not be subject to designation under Fed. R. Civ. P. 26(a)(2)(B)." (*Id.* at 1). Instead, the parties wish to determine "an appropriate schedule for adversary submissions under Rule 54(d)(2)(C), if necessary, after the completion of trial." (*Id.*). The parties therefore ask that Plaintiff Ryan Law Firm, LLC ("Ryan Law") be permitted to present its claim for attorneys' fees by motion without requiring either party to designate attorneys' fees experts in accordance with the expert designation deadline in the Scheduling Order. (*Id.* at 2).

A scheduling order may be modified only for good cause and with the court's consent. Fed. R. Civ. P. 16(b)(4). The Court is persuaded that good cause exists to make the requested modification. Accordingly, **IT IS ORDERED** that the parties' Joint Motion to Modify Scheduling Order, (Dkt. 26), is **GRANTED**. The Scheduling Order is **MODIFIED** as follows:

Ryan Law is permitted to present its claim for attorneys' fees by motion, with any adversary submission by Defendant, in accordance with Federal Rule of Civil Procedure 54, without requiring either party to designate attorneys' fees experts in accordance with the current Scheduling Order.

**SIGNED** on February 25, 2020.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE